

# **Plaintiffs' Exhibit 37**

## Message

**From:** Scott Spencer [scottspencer@google.com]  
**Sent:** 1/30/2013 2:30:56 AM  
**To:** Kick Zandbergen [kick@google.com]  
**CC:** Drew Bradstock [dbradstock@google.com]  
**Subject:** Re: TMG, AdX, AFC and.....Rubicon

Regarding the question of timing, we are looking to have the policy in place for all inventor starting Jan 1, 2014. Today it is already in place for sub-syndicate inventory.

In terms of your deployment question, this seems like different attempts to circumvent the policy. Our goal should be all or nothing – use AdX as your SSP or don't get access to our demand. It's a key feature and we need to use it while it's still proprietary to AdX.

-scott

On Tue, Jan 29, 2013 at 10:49 AM, Kick Zandbergen [kick@google.com] wrote:  
 hi Scott, Drew

when are we planning to roll out this new policy?

one other follow up question:

would we be comfortable when in the case of Network Partner Management the impression from the SSP defaults and is then sent to AdX directly? what if the SSP default to DFP or we assign traffic to AdX directly in DFP?

thanks

On 6 December 2012 04:26, Scott Spencer [scottspencer@google.com] wrote:  
 Kick,

Happy to help.

AdSense prohibits publishers from putting them through a yield manager. Technically, we don't allow scraping of AdSense, we don't allow comparison of our CPMs, and we don't provide APIs to 3rd parties. Of course, we have not enforced these policies and therefore, the industry has started the practice of putting AdSense through yield managers.

AdX prohibits publishers from putting it through a yield manager when there are network partners involved. As you pointed out, we are planning to change this in Q1, with the launch of network revenue optimization. Once in place, AdX will explicitly not be allowed to be operated via another yield manager. We will enforce this policy once rolled out.

I think it's important to understand and explain to publishers why we are doing this. The reasons are the following:

1. Ensure effective controls – if a publisher has nested yield managers and say, blocks an advertiser, it won't properly get propagated to the other yield manager. This is true for many elements you may want to block.
2. Inconsistent floors create the incentive for buyers to game the publisher – if you offer the same inventory in two exchanges, the buyers will play off that and buy it at the lower price
3. Multiple RTB calls for the same impression – every DSP would receive two or more calls for the same inventory. This is inefficient and will affect DSPs ability to bid
4. It goes against our commitments to buyers that AdX is a transparent, second price auction.
5. Double revenue shares for publishers.

I think that, with education, publishers will begin to understand why this is ultimately bad for them and the exchange ecosystem.

Regards,  
-scott

On Wed, Dec 5, 2012 at 11:01 AM, Kick Zandbergen <[kick@google.com](mailto:kick@google.com)> wrote:

Hi Scott,

See below. Thx

Sent from my Android Jelly Bean 4.2(!) device. apologies for typos and my brevity. And in case you wondered: the usual disclaimers apply, so this is not a contract!

----- Forwarded message -----

From: "Kick Zandbergen" <[kick@google.com](mailto:kick@google.com)>

Date: 5 Dec 2012 15:59

Subject: TMG, AdX, AFC and.....Rubicon

To: "Drew Bradstock" <[dbradstock@google.com](mailto:dbradstock@google.com)>

Cc: "Brian Adams" <[bea@google.com](mailto:bea@google.com)>

Hi Drew

(brian just fyi at this point)

our contact at TMG is as you are aware exploring opportunities with Rubicon to replace AdMeld (AdX). Total run rate around EUR7.6m. so far they haven't been able to get Rubicon working on their tier2 sites due to lack of demand, but this may be a question of time.

he's been asking us about the option of running ADX in Rubicon. In response we sent him the program guidelines, which to my best knowledge does not explicitly disallow TMG to give their own AdX tag to Rubicon. I'm also aware that we are looking to close this loophole, but for sake of the conversations with TMG I deliberately didn't tell him this. (as he will hold this against us).

he responded back to us asking about the policies for AdSense on this matter. My information is that we don't allow subsyndication, but we can't actually forbid a pub to provide partner with tags (or login) to their AdSense account.

now I want to make sure of the following:

- are the AdSense and AdX guidelines/policies aligned.
- is it true that we are going to disallow SSP's to run AdX at all? if so, when will this be effectuated?

thanks

Kick

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Kick Zandbergen	Head of Partner Business Solutions Benelux	<a href="mailto:kick@google.com">kick@google.com</a>	+31-20-504 5177
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Kick Zandbergen | Head of Partner Business Solutions Benelux | [kick@google.com](mailto:kick@google.com) | +31-20-504 5177



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